United Nations A/HRC/29/L.3

General Assembly

Distr.: Limited
29 June 2015

Original: English

Human Rights Council
Twenty-ninth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Argentina, Bosnia and Herzegovina,* Cyprus,* Germany, Guatemala,* Honduras,* Ireland, Kenya, Mexico, Montenegro, Paraguay, Peru,* Philippines,* Portugal, Uruguay:* draft resolution

29/... Protection of the human rights of migrants: migrants in transit

The Human Rights Council,

Reaffirming the Universal Declaration of Human Rights, which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, the Vienna Convention on Consular Relations, the Convention on the Rights of Persons with Disabilities, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the United Nations Convention against Transnational Organized Crime and the protocols thereto, in particular the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,

Recalling also previous resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the protection of the human rights of all

* Non-member State of the Human Rights Council.

Please recycle

migrants, and the work of the various special mechanisms of the Council that have reported on the situation of the human rights and fundamental freedoms of migrants,

Reaffirming that the Universal Declaration of Human Rights proclaims that everyone has the right to freedom of movement and residence within the borders of each State and the right to leave any country, including his or her own, and to return to his or her country,

Reaffirming also that everyone is entitled to all human rights and fundamental freedoms, without distinction of any kind, wherever the person is and regardless of his or her immigration status,

Recognizing that States are responsible for promoting and protecting the human rights of all persons, including irregular migrants, who are in their territory and subject to their jurisdiction,

Recognizing also the shared responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants, and avoiding approaches that might aggravate their vulnerability,

Deeply concerned at the large and growing number of migrants, including women and children, who have lost their lives or have been injured in attempting to cross international borders, and recognizing the obligation of States to protect and respect the human rights of those migrants, regardless of their immigration status,

Bearing in mind that policies and initiatives on the issue of migration, including those that refer to border control and the orderly management of migration, must be in accordance with international human rights obligations in order to uphold the human rights and fundamental freedoms of all migrants,

Recalling the recommended principles and guidelines on human rights at international borders prepared by the Office of the United Nations High Commissioner for Human Rights,

Expressing its concern at measures that, including in the context of policies aimed at reducing irregular migration, treat irregular migration as a criminal rather than an administrative offence, where the effect of doing so is to deny migrants the full enjoyment of their human rights and fundamental freedoms,

Welcoming the important results of the second High-level Dialogue on International Migration and Development, held on 3 and 4 October 2013,

Reaffirming the Declaration of the High-level Dialogue on International Migration and Development, adopted by the General Assembly at its sixty-eighth session,[1] which acknowledges the important contribution of migration in realizing the Millennium Development Goals and recognizes that human mobility is a key factor for sustainable development, which should receive due consideration in the elaboration of the post-2015 development agenda,

Reaffirming also the commitment to take action to avoid the loss of life of migrants, including by preventing and combating the smuggling of migrants and trafficking in persons by disrupting the criminal networks involved and improving cooperation on prevention, the prosecution of traffickers and smugglers, the protection of the rights of victims of trafficking and the human rights of migrants who have been the object of smuggling and protecting migrants from exploitation and other abuses,

[1] General Assembly resolution 68/4.

Noting the expertise in the field of migration of the International Organization for Migration and the other member agencies of the Global Migration Group,

Expressing serious concern about the situation of vulnerability and risk faced by migrants in transit, in particular unaccompanied children, including adolescents, or children who have been separated from their families, who are forced to leave their homelands by multiple causes,

Recognizing the need to address the special situation and vulnerability of migrant women and girls by, inter alia, incorporating a gender perspective into policies and strengthening national laws, institutions and programmes to combat gender-based violence, including trafficking in persons and discrimination against women and girls,

Recognizing also the importance of coordinating international efforts to provide assistance and support to migrants in vulnerable situations and, as appropriate, facilitate the voluntary return to their countries of origin or procedures for determining the need for international protection while respecting the principle of non-refoulement,

Taking note of the seventh Global Forum on Migration and Development, which emphasized the importance of facilitating access to regular forms of migration and, where applicable, to social services, including health goods, services and conditions, that contribute to the prosperity of countries of origin, transit and destination and to the strengthening of the empowerment and personal development prospects and outcomes for migrants and their families,

Acknowledging the important role that migrants play as partners in the development of origin, transit and destination countries, and recognizing the need to improve public perceptions of migrants and migration,

Mindful of the fact that, in the fulfilment of their obligations to protect human rights, States of origin, transit and destination can benefit from schemes of international cooperation,

Noting with appreciation the actions taken by several special procedures of the Human Rights Council and the treaty bodies for the effective prevention of violations of the human rights of migrants, including through joint statements and urgent appeals, and encourages them to continue their collaborative efforts within their respective mandates to this end,

Recognizing the cultural and economic contributions made by migrants to receiving societies and their communities of origin and the need to identify appropriate means of maximizing development benefits and responding to the challenges that migration poses to countries of origin, transit and destination, and committing to ensuring dignified, humane treatment with applicable protections and to strengthening mechanisms for international cooperation,

1. *Recalls with appreciation* the report of the Special Rapporteur on the human rights of migrants,[2] invites States to give due consideration to the recommendations contained therein, and welcomes his work;

2. *Calls upon* States that have not yet done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority, and requests the Secretary-General to continue his efforts to promote and raise awareness of the Convention;

[2] A/HRC/26/35.

3. *Also calls upon* States that have not yet done so to consider ratifying or adhering to the United Nations Convention against Transnational Organized Crime and its protocols, in particular the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

4. *Reaffirms* the duty of States to effectively promote and protect the human rights and fundamental freedoms of all migrants, especially those of women and children, regardless of their immigration status, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party;

5. *Expresses concern* at legislation and measures adopted by some States that may adversely affect the full enjoyment of the human rights and fundamental freedoms of migrants, including those in transit;

6. *Reaffirms* that, when exercising their sovereign right to enact and implement migration and border security measures, States have the duty to comply with their obligations under international law, including international human rights law, in order to ensure full respect for the human rights of migrants;

7. *Calls upon* all States to ensure that their immigration policies are consistent with their obligations under international human rights law, and to promote the enjoyment of human rights by all migrants without discrimination, including by taking steps:

(*a*) To promote and protect the human rights of all migrants, including migrants in transit, without discrimination of any kind, and to this end to provide assistance and relief to migrants who need it, regardless of their immigration status, and to create a safe and enabling environment in which individuals and organizations that provide such attention can operate free from hindrance and insecurity;

(*b*) To adopt effective measures to prevent and punish any form of illegal deprivation of liberty of migrants by individuals or groups within the territory and jurisdiction of the State;

(*c*) To the effect that domestic law and administrative provisions and their application facilitate the work of all actors providing humanitarian assistance to and defending the human rights of irregular migrants, including by avoiding any criminalization, stigmatization, impediments, obstructions or restrictions thereof contrary to international human rights law;

(*d*) To adopt concrete measures to prevent the violation of the human rights of migrants while in transit, including in ports and airports and at borders and other transit areas for migration, and to adequately train public officials who work in those facilities and in border areas to treat these migrants respectfully and in accordance with their obligations under international human rights law;

(*e*) To adopt effective measures to prevent and punish the smuggling of migrants and trafficking in persons, and to reinforce cooperation and coordination at all levels to detect and suppress both the smuggling of migrants and trafficking in persons, in accordance with applicable international law;

(*f*) To ensure that repatriation mechanisms allow for the identification and special protection of persons in vulnerable situations;

(*g*) To recognize the importance of coordinated efforts by the international community and other stakeholders to assist and support migrants stranded in vulnerable situations;

(*h*) To provide assistance to persons in distress at sea and to enhance cooperation for such purposes in accordance with applicable international law;

(*i*) To adopt a comprehensive and integral approach to migration policies and cooperate at the international level on the basis of shared responsibility to harness fully the economic developments and cultural and social opportunities that migration represents and to address efficiently its challenges in accordance with applicable international human rights standards;

8. *Encourages* the Office of the United Nations High Commissioner for Human Rights to provide technical assistance to States parties, upon request, to better promote and protect the human rights of migrants;

9. *Requests* the Office of the High Commissioner to submit to the Human Rights Council before its thirty-first session a study on the situation of migrants in transit, including unaccompanied children and adolescents, as well as women and girls, in consultation with States and other relevant stakeholders, including regional organizations, civil society organizations and national human rights institutions;

10. *Requests* the Special Rapporteur on the human rights of migrants to continue to report on practical solutions, including with respect to the situation of migrants in transit, by identifying best practices and concrete areas and means for international cooperation in order to enhance the protection of the human rights of migrants, and to continue to pay attention to the topic of the universal enjoyment of human rights for all migrants;

11. *Encourages* States and regional and international organizations to enhance cooperation with the Special Rapporteur;

12. *Decides* to remain seized of the matter.

United Nations A/HRC/29/L.4

General Assembly

Distr.: Limited
29 June 2015

Original: English

Human Rights Council
Twenty-ninth session
Agenda item 4
Human rights situations that require the Council's attention

Albania, Andorra*, Australia,* Austria,* Bahrain,* Belgium,* Botswana, Bulgaria,* Canada,* Cyprus,* Denmark,* Estonia, Hungary,* Iceland,* Finland,* France, Georgia,* Germany, Greece,* Guatemala,* Israel,* Italy,* Japan, Jordan,* Kuwait,* Latvia, Luxembourg,* Maldives, Malta,* Montenegro, Morocco, Netherlands, Norway,* Poland,* Portugal, Qatar, Saudi Arabia, Slovakia,* Slovenia,* Spain,* Sweden,* the former Yugoslav Republic of Macedonia, Turkey,* United Arab Emirates,* United Kingdom of Great Britain and Northern Ireland, United States of America: draft resolution

29/... The grave and deteriorating human rights and humanitarian situation in the Syrian Arab Republic

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming all previous Human Rights Council resolutions on the Syrian Arab Republic,

Reaffirming also its strong commitment to the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic,

Condemning the grave deterioration of the human rights situation and the indiscriminate or deliberate targeting of civilians as such, in violation of international humanitarian law, and acts of violence that foment sectarian tensions,

Condemning also the damage and destruction of the cultural heritage of the Syrian Arab Republic, as well as the organized looting and trafficking of its cultural property,

Expressing its deepest concern at the findings of the Independent International Commission of Inquiry on the Syrian Arab Republic and the report into the credibility of certain evidence with regard to torture and execution of persons incarcerated by the current Syrian regime regarding the allegations contained in the evidence presented by "Caesar" in January 2014,[1]

* Non-member State of the Human Rights Council.

[1] See S/2014/244, annex.

Please recycle

Noting the observation of the Commission of Inquiry that, since March 2011, the Syrian authorities have conducted widespread attacks against the civilian population as a matter of policy,

Deploring the lack of cooperation by the Syrian authorities with the Commission of Inquiry,

Expressing full support for the diplomatic efforts of the Special Envoy of the Secretary-General for the Syrian Arab Republic aimed at finding a political solution on the basis of the Geneva communiqué, including for the formation of a transitional governing body with full executive powers,

1. *Welcomes* the work of the Independent International Commission of Inquiry on the Syrian Arab Republic, and notes the importance of the work of the Commission of Inquiry and the information it has collected in support of the future accountability efforts, in particular the information on alleged perpetrators violating international law;

2. *Demands* that the Syrian authorities cooperate fully with the Human Rights Council and the Commission of Inquiry by granting the Commission immediate, full and unfettered access throughout the Syrian Arab Republic;

3. *Strongly condemns* the continued gross systematic and widespread violations and abuses of human rights and all violations of international humanitarian law by the Syrian authorities and affiliated militias, including foreign terrorist fighters and those foreign organizations fighting on behalf of the Syrian authorities, in particular Hizbullah, Asa'ib Ahl al-Haq and Liwa' Abu al-Fadl al-Abbas;

4. *Also strongly condemns* the widespread use of sexual violence and torture in detention centres, noting that such acts constitute violations of international human rights law or violations of international humanitarian law, and calls for the appropriate international monitoring bodies to be granted access to detainees in government prisons and detention centres and for the Syrian authorities to publish a list of all detention facilities;

5. *Further strongly condemns* all arbitrary detention of individuals by the Syrian authorities and demands the immediate release of all persons detained, including individuals affiliated with non-governmental organizations accredited by the Economic and Social Council, such as the Syrian Centre for Media and Freedom of Expression;

6. *Strongly condemns* the continued use of chemical weapons in the Syrian Arab Republic, including chlorine gas, which is prohibited under international law, and demands that the Syrian Arab Republic respect fully its international obligations, including the requirement that it declare its programme in full and eliminate it in its entirety;

7. *Condemns* the use by the Syrian authorities of heavy weapons, cluster munitions and aerial bombardments, including any indiscriminate use of ballistic missiles and barrel bombs and the shelling of medical facilities, and also condemns the starvation of civilians as a method of combat against the Syrian population;

8. *Strongly condemns* the terrorist acts and violence committed against civilians by the so-called Islamic State in Iraq and the Levant (Daesh), al-Nusra Front and other extremist groups, condemns in the strongest terms the violent extremist ideology professed by the so-called Islamic State in Iraq and the Levant (Daesh) and its continued gross, systematic and widespread abuses of human rights and violations of international humanitarian law, and reaffirms that terrorism, including the actions of the so-called Islamic State in Iraq and the Levant (Daesh), cannot and should not be associated with any religion, nationality or civilization,

9. *Condemns* all violations and abuses of international human rights law and all violations of international humanitarian law, including against women and children, as well

as persons with disabilities, and urges all parties to the conflict not to commit indiscriminate attacks, including those that affect civilian populations and objects, to demilitarize medical facilities and schools, to comply with their obligations under international humanitarian law and to respect human rights;

10. *Strongly condemns* violence against all persons on the basis of their religious or ethnic affiliation, and calls upon all parties to fully respect international law;

11. *Calls upon* the international community to support the leadership and full participation of women in all efforts aimed at finding a political solution to the Syrian Arab Republic, as envisaged by the Security Council in its resolutions 1325 (2000) of 31 October 2000 and 2122 (2013) of 18 October 2013;

12. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law or violations and abuses of human rights law are held to account through appropriate, fair and independent domestic or international criminal justice mechanisms, and stresses the need to pursue practical steps towards this goal, noting the important role that the International Criminal Court can play in this regard; [[prev. 18]]

13. *Expresses deep concern* at the growing number of refugees and internally displaced persons fleeing the violence, welcomes the efforts by neighbouring countries to host Syrian refugees, and acknowledges the socioeconomic consequences of the presence of large-scale refugee populations in those countries; [[prev. 20]]

14. *Deplores* the deteriorating humanitarian situation in the Syrian Arab Republic and urges the international community to provide urgent financial support to enable the host countries to respond to the growing humanitarian needs of Syrian refugees, while emphasizing the principle of burden-sharing; [[prev. 22]]

15. *Welcomes* the outcome of the third International Humanitarian Pledging Conference for Syria, held in Kuwait, expresses its appreciation to donor States, and calls upon all members of the international community to respond expeditiously to the Syrian humanitarian appeals and to fulfil all previous pledges;

16. *Demands* that the Syrian authorities facilitate, and that all other parties to the conflict do not hinder, the full, immediate and safe access of the United Nations and humanitarian actors, including to besieged areas, in accordance with Security Council resolutions 2165 (2014) of 14 July 2014 and 2191 (2014) of 17 December 2014, and calls upon Member States to fully fund the United Nations appeals;

17. *Decides* to remain seized of the matter.